

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): ASANO et al.

Application No.: 10/797,081

Filed: March 11, 2004

Title: SEMICONDUCTOR DEVICE AND
METHOD OF MANUFACTURING
THE SAME

Attorney Docket No.: 01-592

Group Art Unit: 2815

Examiner: Richards, Drew N.

February 24, 2005

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
Alexandria, VA 22314

Sir:

In response to the Restriction Requirement mailed on February 1, 2005 in connection with the above application, Applicants hereby elect Invention I, claims 1-6, with traverse.

Applicants traverse the Examiner's restriction requirement because at least claim 6 should be grouped with the Invention I device claims (claims 1-5). Specifically, claim 6 should not be considered as a linking claim between Invention I and Invention II, as it does not fit within the definition of any of the most common types of linking claims per MPEP 809.03, set forth as follows:

- (A) genus claims linking species claims;
- (B) a claim to the necessary process of making a product linking proper process and product claims;
- (C) a claim to "means" for practicing a process linking proper apparatus and process claims; and
- (D) a claim to the product linking a process of making and a use (process of using).